

REMARKS

This Amendment is being filed in response to the Final Office Action mailed December 2, 2009, which has been reviewed and carefully considered.

By means of the present amendment, claims 1 and 3 have been amended for better conformance with the specification. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

Claims 1, 3, 5 and 9-10 are pending in this application, where claims 6-8 and 11 have been currently canceled without prejudice. Claims 1 and 5 are independent. Applicant reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Final Office Action, claims 1 and 3 are rejected under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed. However, in the interest of advancing prosecution and allowance of the present application, claims 1 and 3 have been amended for better conformance with 35 U.S.C. §112, first

paragraph. Accordingly, withdrawal of this rejection is respectfully requested.

In the Final Office Action, the Examiner indicated that claim 5 is allowed and that claim 1 would be allowable if amended to overcome the rejection under 35 U.S.C. §112, first paragraph. Applicant gratefully acknowledges the indication that claim 5 is allowed and that claim 1 contains patentable subject matter. As noted above, the rejections to claim 1 under 35 U.S.C. §112, first paragraph has been overcome.

Accordingly, it is respectfully submitted that claim 1 is in allowable form, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3 and 9-10 should also be allowed at least based on their dependence from independent claim 1.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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January 12, 2010

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